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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,049	11/12/1999	MICHAEL AARON KAPLY	AT9-99-140	1177

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JEFFREY S LABAW
IBM CORPORATION
INTERNAL ZIP 4054
11400 BURNET ROAD
AUSTIN, TX 78758

EXAMINER
STONE, JONATHAN D

ART UNIT	PAPER NUMBER
2178	3

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/439,049	Applicant(s) KAPLY ET AL.	
	Examiner Jonathan D Stone	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 November 2000* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-57* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-57* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2* .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. This action is responsive to communications: Application filed on 11/12/99.

2. IDS filed on 11/27/00 (paper 2). With respect to German patent DE 4125389 C1 and Japanese patent JP 4-184571 the information disclosure statement filed fails to comply with 37 CFR 1.98(a)(3), which requires a concise explanation of the relevance, as it is presently understood by the individual designated in § 1.56(c) most knowledgeable about the content of the information, of each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant 's specification or incorporated therein. It has been placed in the application file, but the information referred to therein has not been considered.

3. Claims 1-57 are pending in the case. Claims 1, 20, 39 are independent claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an

international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. ***Claims 1-2, 6, 8, 11-14, 16, 20-21, 25, 27, 30-33, 35, 39-40, 44, 46, 49-52, 54 are rejected under 35 U.S.C. 102(e) as being anticipated by Emens et al (herein Emens; USPN 6493744 – filing date 8/16/1999).***

6. **Regarding independent claims 1, 20, and 39,** Emens teaches a method comprising a second process requesting data from a first process, the first process generating a resolution to the request, and further transmitting the resolution to the second process (Emens' invention delivers or does not deliver data based on content, and may be implemented on a client, server, or proxy server, proxy servers acting as go-betweens for requested data between two processes and the application being a process itself; col 2, ln 46-49 and 53-56).

7. **Regarding dependent claims 2, 21, 40,** Emens teaches resolving a request for data protected from user display, the resolution comprising a modified version of the data containing unprotected portions (col 2, ln 46-49).

8. **Regarding dependent claims 6, 25, 44,** Emens teaches requesting and transmitting data that is not yet displayed (col 2, ln 43-45).

9. **Regarding dependent claims 8, 27, 46,** Emens teaches transmitting information relating to the data request to the first process, the data resolution being based on said information (col 3, ln 64-67 and col 4, ln 23-26).

10. **Regarding dependent claim 11-14, 30-33, 49-52,** Emens teaches the request and transmission of image data, wherein an image resolution may include the transmission of an image having a different color depth or pixel resolution than the requested image and being a different image than originally requested (col 4, ln 14-16).

11. **Regarding dependent claim 16, 35, 54,** Emens teaches transmitting a request for additional information relating to a data request, receiving a response, and further generating a resolution response based on the additional information (col 3, ln 64-67 and col 4, ln 23-26; where the invention requests content rating information from a client).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 15, 34, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens.

13. **Regarding dependent claim 15, 34, 53,** Emens does not explicitly teach requested data comprised of an image of text in a first font and a received resolution comprised of an image of text in a second font. However, Emens does teach modifying images by replacing portions with blurred regions. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Emens in order to apply the blurring effect to an image containing textual portions, effectively creating a resolution image having text of a different font. Such a modification would have provided a means for obscuring objectionable text from an image, maintaining other portions of non-objectionable material.

Claims 3-4, 9-10, 17-19, 22-23, 28-29, 36-38, 41-42, 47-48, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens in view of Russell-Falla et al (herein Russell-Falla; USPN 6266664 – filing date 10/1/1998).

14. **Regarding dependent claims 3-4, 22-23, 41-42,** Emens does not explicitly teach a modified version with substitute data and indicating where the protected data would have been displayed. However, Russell-Falla does teach modifying resolved data by substituting data for at least a portion of the protected data, the substituted data including data displayed in the same area as the protected data would have appeared (col 3, ln 21-30). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions to create the

disclosed resultant resolution. Such a combination would have given a user more ways to control the display of objectionable content.

Regarding dependent claims 9-10, 28-29, 47-48, Emens does not explicitly teach data request information as identifying a process and the data's uses. However, Russell-Falla does teach transmitting additional request information, the information identifying a requesting process and indicating data use, a data resolution further being based on these (col 3, ln 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions to include resolving data requests by using additional information. Such a combination would have given a user more ways to control the display of objectionable content.

15. **Regarding dependent claim 17-19, 36-38, 55-57,** Emens does not explicitly teach additional data request information as identifying a process, the data's use, and related attributes. However, Russell-Falla does teach transmitting additional request information, the information identifying a requesting process, indicating data use, and related data attributes, and a data resolution further being based on these aspects of the information (col 3, ln 10-19). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions to create the disclosed resultant resolution. Such a combination would have given a user more ways to control the display of objectionable content.

Claims 7, 26, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens in view of Tso et al (herein Tso; USPN 6421733 – filing date 9/8/1997).

16. **Regarding dependent claims 7, 26, 45,** Emens does not explicitly teach requesting nonexistent data and providing a generated version as a resolution. However, Tso does teach requesting data that does not exist and subsequently providing a generated version of the requested data (col 5, ln 62 – col 6, ln 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the inventions of Tso and Emens. Such a combination would have allowed further modification control over the resolved to, giving users an easier way to identify data that has not been included or has been modified.

Claims 5, 24, 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Emens in view of Russell-Falla and in further view of Tso.

17. **Regarding dependent claims 5, 24, 43,** Emens and Russell-Fall do not explicitly teach augmentation data comprising a copyright notice. However, Tso does teach augmenting data with links to company information and ensuring trademark and logo information are being used correctly (col 8, ln 56-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Tso with Emens and Russell-Fall such that data is augmented with copyright information. Such a combination would have allowed further modification control over the resolved to, giving users an easier way to identify data that has not been included or has been modified.

18. Prior art made of record and not relied upon is considered pertinent to disclosure.

US-6,389,472 B1 To: Hughes et al.

Resnick, Paul, "PICS, Censorship, and Intellectual Freedom FAQ," www.w3.org/PICS/PICS-FAQ-980126.html 8/4/1999.

Safdar, Shabbir J. and Cherry, Steven, "The Australian Internet Parental Control FAQ" www.efa.org.au/Campaigns/aipcfaq.html 1996

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan D Stone whose telephone number is (703) 305-7854. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications. Responses to this action may be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Hand-delivered responses should be brought to:

Crystal Park II, 2121 Crystal Drive
Arlington, VA, Fourth Floor (receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

JDS
May 19, 2003

HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100